

2005 1615  
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PATENT  
Attorney Docket 054160-5060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Tsuneji Suzuki *et al.*** )  
 )  
Application No. **10/049,666** ) Group Art Unit: **1615**  
 )  
Filed: **February 15, 2002** ) Examiner: **Gollamudi S. Kishore**  
 )  
For: **Pharmaceutical Agent Comprising a Benzamide** )  
 **Derivative as Active Agent** )

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, **Mail Stop Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

**AMENDMENT AND RESPONSE TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment and Response Under 37 C.F.R. § 1.111 in reply to the Non-Final Office dated October 18, 2004.
2. Additional Papers Filed:  
(i) Terminal Disclaimer
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a one-month extension of time from January 18, 2005 to February 18, 2005, the fee for which is **\$120.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Calculation (37 C.F.R. § 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	14	minus	22	0	\$50 each=	0.00
Independent Claims	2	minus	3	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
SUB-TOTAL =						0.00
Reduction by ½ for filing by a small entity						0.00
TOTAL FEE =						\$0.00

5. Fee Payment: The Commissioner is hereby authorized to charge **\$250.00** to Deposit Account No. 50-0310 for payment of the one-month extension of time fee (\$120.00) and the Terminal Disclaimer fee (\$130.00).

02/23/2005 MBEYENE1 00000084 500310 10049666

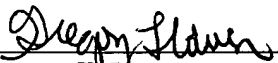
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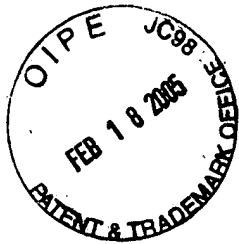
1-WA/2345387.1

6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **February 18, 2005**  
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Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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Application No. <b>10/049,666</b>	)	Group Art Unit: <b>1615</b>
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Filed: <b>February 15, 2002</b>	)	Examiner: <b>Gollamudi S. Kishore</b>
	)	
For: <b>Pharmaceutical Agent Comprising a Benzamide</b>	)	
<b>Derivative as Active Agent</b>	)	

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111**

In response to the non-Final Office Action mailed October 18, 2004, the time for responding to which has been extended through February 18, 2005 by the filing of a petition for a one-month extension of time and authorization for fee payment, Applicants respectfully request reconsideration of the subject application in view of the following amendments and remarks.

**Amendments to the Claims** being on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.